



From: W. Derek Buckley, Town Clerk
Date: 6/22/2007

Re: PETITION INSTRUCTIONS

Attached is my current understanding of how to prepare an acceptable Petition. The town of Easton has requested a legal opinion of what is required by the state statutes and town ordinances. These instructions are subject to modification by that legal opinion when it is received.

W. Derek Buckley

PETITION INSTRUCTIONS

The purpose of this document is to describe the correct procedure for collecting Petition signatures to conform to Connecticut General Statutes and the Town of Easton Ordinances.

Since Easton does not have a Town Charter it is governed by the Connecticut General Statutes, as amended by Town Ordinances where permitted.

The Town of Easton Town Ordinances, 1879-1984 summarizes the requirements for calling a Special Town Meeting. In Section B (3) it states:

“A Special Town Meeting may be convened for any proper purpose by the Selectmen of the Town or by a petition of 50 inhabitants qualified to vote at such meeting submitted in accordance with Chapter 90 of the General Statutes”

Petition Statement

CGS Section 7-9. This defines the required Statement by the circulator of a petition and the form of that petition. It requires the following:

- the petition shall be on a form prescribed or approved by the Clerk of the municipality
- each page of such petition shall contain a statement, signed under penalties of false statement, by the person who circulated the same
- the circulator's name and address
- state that each person whose name appears on said page signed the same, in person, in the presence of the circulator
- that the circulator knows each signer, or that the signer has satisfactorily identified himself to the circulator
- that all signatures on the page were obtained not earlier than six months prior to the filing of the petition

Any page of the petition that does not contain such a statement by the circulator is invalid. Any circulator who makes a false statement shall be subject to the penalty provided for false statement.

Petition for a vote at a Town Meeting

CGS Section 7-9a states that no petition shall be valid for any action for a vote by the electors or voters at any regular or special town meeting unless such petition shall be circulated by a person resident or eligible to vote in such town.

Eligibility to Vote

Defines those eligible to vote as:

- any person who is an elector of the town
- any citizen of the United States of the age of eighteen years or more who, jointly or severally, is liable to the town for a tax assessment of not less than one thousand dollars on the last completed grand list of the town

Election

CGS, Section 9-1(d) defines an election as:

“any electors meeting at which the electors choose public officials by use of voting machines or paper ballots as provided in Sections 9-271 and 9-272”

A Town Meeting is not an election.

Referendum

CGS, Section 9-1(n) defines a Referendum as:

1. a question or proposal which is submitted to a vote of the electors or voters of a municipality at any regular or special state or municipal election
2. a question or proposal which is submitted to a vote of the electors or voters, as the case may be, of a municipality at a meeting of such electors or voters, which meeting is not an election and is not a town meeting
3. a question or proposal which is submitted to a vote of the electors or voters, as the case may be, of a municipality at a meeting of such electors pursuant to section 7-7 or pursuant to charter or special act

The third definition of Section 7-7 appears to include a Town Meeting as a Referendum.

Vote by Ballot or Voting Machine.

CGS, Section 7-7 includes the following:

“Two hundred or more persons or ten percent of the total number qualified to vote in the meeting of a town or municipal corporation, whichever is less, may petition the clerk, in writing, at least twenty four hours prior to any such meeting, requesting that any item or items on the call of such meeting be submitted for a paper ballot or by a “Yes” or “No” vote on the voting machines...”

Board of Selectmen Action

CGS, Section 7-7 permits the Selectmen, on their own initiative, to remove any item on the call of the meeting to be submitted to a paper ballot or machine vote.

Sample Petition Form

Attached is a sample Petition form that contains a sample question and the required statement from the circulator. It is important to note the following:

- the Town Clerk's office verifies that the names on the petition are electors or voters. Signatures are not verified. The person collecting the signatures is acting in a manner similar to a notary. The duty of the collector is to identify the person signing and witness the signature and sign an affidavit to that effect.
- In order to verify the names it is important to write legibly the name of the signer of the petition. Illegible names are the most common reason for disqualification
- The petition requires the name, address and signature of the signer.
- The name on the petition must be exactly as was used to register as a voter. For example, if a person registered to vote as William J. Smith then Bill Smith is not a name that will be verified or counted.
- The circulator's statement states state that:
"each person whose name appears on said page signed the same in person in the presence of the circulator". This means that the practice of leaving petition forms to accumulate signatures on the counter of the local stores is not allowed.

TOWN OF EASTON - PETITION

We the undersigned, of the addresses indicated, persons qualified to vote in the meeting of the Town of Easton, Connecticut, on April 1, 2003, pursuant to Section 7-7 of the Connecticut General Statutes, do hereby petition and request the Board of Selectmen, that item number one on the call of the meeting, that is a special appropriation of \$484,764.00 covering insurance costs and providing for a reserve of insurance costs of the Board of Education, be submitted to persons qualified to vote, not less than seven or more than fourteen days thereafter, on a date set by the Town Meeting, or if the Town Meeting does not set a date, by the town selectmen, for a "Yes" or "No" vote by machine, on the following question:

1. Are you in favor of a Special Appropriation of \$484,764.00 to cover insurance costs for this fiscal year and to provide a reserve for insurance costs for the Board of Education.

NAME, SIGNATURE AND ADDRESS MUST BE IN INK

NO.	NAME	ADDRESS	SIGNATURE
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CIRCULATOR / ADDRESS: _____

I _____ am the circulator of the foregoing petition and resident or eligible to vote in Easton. Each person whose name appears on this petition page signed the same in person in my presence and is known to me or has been satisfactorily identified to me. None of the signatures on this page were obtained earlier than six months prior to the date the page is filed. I HEREBY STATE UNDER THE PENALTIES OF FALSE STATEMENT THAT THE FOREGOING STATEMENTS ARE TRUE.

Date	Signature of circulator	
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